

**FILED**

**SEP 10 2015**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY gjs DEPUTY

UNITED STATES OF AMERICA

vs.

(1) Carlos Lopez-Benitez

§  
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§  
§

NO: EP:15-CR-01310(1)-DCG

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**  
**UPON DEFENDANT'S PLEA OF GUILTY**

On September 10, 2015, the Defendant and counsel appeared before the Court. After being admonished as required by Rule 11, Fed. R. Crim. P., the Defendant pled guilty to the single-count Indictment charging Defendant with ILLEGAL REENTRY OF REMOVED ALIENS (found in) in violation of Title 8 U.S.C. §1326, with notice of penalty enhancement under § 1326(b)(1).

Accordingly, the Court makes the following findings:

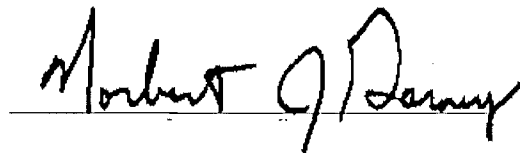
1. The Defendant has consented to the entry of a guilty plea before a Magistrate Judge, subject to final approval and sentencing by the presiding United States District Judge.
2. The Defendant fully understands the oath and the consequences of failing to tell the truth at the plea hearing.
3. The Defendant fully understands that nature of the charge and the penalties, including the effect of a supervised release term.
4. The Defendant fully understands that the Sentencing Guidelines will be considered by the District Court, but are advisory only.
5. The Defendant fully understands the right to plead "Not Guilty" and to be tried by a jury.

6. The Defendant fully understands that at trial, Defendant would have the right to confront or cross-examine adverse witnesses, and to remain silent.
7. Defendant fully understands the possible immigration consequences for non-United States citizens upon entering a guilty plea.
8. The Defendant fully understands that if the guilty plea is accepted, there will not be a trial in the case.
9. Defendant ☒ has waived / ☐ has not waived the F. R. Crim. Proc., Rule 32 time limits.
10. The Defendant's plea was made freely, knowingly, and voluntarily.
11. The Defendant is competent to enter a plea.
12. There is a factual basis to support the plea of guilty.

**RECOMMENDATION**

Based on the foregoing, it is recommended to the District Judge that the Defendant's plea of guilty be accepted and that a judgment of guilt be entered.

SIGNED and ENTERED on September 10, 2015.



NORBERT J. GARNEY  
United States Magistrate Judge

**NOTICE**

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE FINDING AND RECOMMENDATIONS CONTAINED IN THE FOREGOING REPORT, WITHIN FOURTEEN DAYS AFTER BEING SERVED A COPY OF SAME, MAY BAR DE NOVO DETERMINATION BY THE DISTRICT JUDGE OF AN ISSUE COVERED HEREIN AND SHALL BAR APPELLATE REVIEW OF SUCH FACTUAL FINDINGS AS MAY BE ACCEPTED OR ADOPTED BY THE DISTRICT JUDGE.**